

Message Text

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S E C R E T STATE 110049 TOSEC 110807

E.O. 11652:GDS

TAGS: MARR, MNUC, NATO, FR

SUBJECT: BRIEFING MEMORANDUM: US NUCLEAR POWERED WARSHIP
(NPW) VISITS TO FRANCE

REF: (A) US MISSION NATO 2473, (B) STATE 26077, (C) STATE
85297

FOR THE SECRETARY FROM PM ACTING DIRECTOR STERN AND
EUR, HARTMAN THROUGH SONNENFELDT

1. SUMMARY

REFTEL A ALERTED THAT PRESIDENT GISCARD D'ESTANG MAY RAISE
NPW ISSUE WITH SECRETARY, DURING MEETING IN PARIS. FOLLOW-
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ING OVERVIEW OF ISSUE IS PROVIDED FOR INFORMATION. WE

BELIEVE DISCUSSION OF THIS MATTER OFFERS EXCELLENT OPPORTUNITY TO ENCOURAGE FRENCH COOPERATION FOR RESUMPTION OF US NPW PORT VISITS TO FRANCE WHICH ARE IMPORTANT TO US SIXTH FLEET OPERATIONS.

2. NUCLEAR POWERED AIRCRAFT CARRIER NIMITZ AND NUCLEAR POWERED CRUISERS, CALIFORNIA AND SOUTH CAROLINA, WILL BEGIN A SIX MONTH DEPLOYMENT TO THE MEDITERRANEAN AS COMPONENTS OF US SIXTH FLEET IN JULY. THIS WILL MAKE FIRST DEPLOYMENT OF NUCLEAR POWERED SURFACE WARSHIPS TO THAT AREA SINCE 1964.

CURRENTLY US NPW ACCESS TO MEDITERRANEAN PORTS IS LIMITED TO ITALY AND TUNISIA. MOROCCO RECENTLY PERMITTED A VISIT BY A US NUCLEAR POWERED SUBMARINE. OTHER MEDITERRANEAN LITORAL COUNTRIES HAVE DENIED NPW ACCESS FOR VARIOUS REASONS INCLUDING LIABILITY GUARANTEES AND POLITICAL SENSITIVITIES. SPAIN ALLOWS ONLY SSBNS IN ROTA.

3. IT IS THE POLICY OF THE U.S. NOT TO ENTER INTO BILATERAL AGREEMENTS CONCERNING PORT VISITS OF NAVAL SHIPS. THIS POLICY IS TRADITIONAL AND WIDELY PRACTICED BY OTHER MARITIME NATIONS. THE U.S. HAS SUCCESSFULLY FOLLOWED THIS POLICY WITH RESPECT TO BOTH CONVENTIONAL AND NUCLEAR POWERED WARSHIPS AND BELIEVES BILATERAL AGREEMENTS CONCERNING NPW VISITS ARE NOT NECESSARY NOR ARE THEY DESIRABLE BECAUSE SUCH AGREEMENTS WOULD INEVITABLY VARY IN TERMS AND CONDITIONS. NEVERTHELESS, IN ORDER TO RESPOND TO THE GENUINE CONCERNS THAT HOST GOVERNMENTS EXPRESS TO THE U.S. FROM TIME-TO-TIME WITH RESPECT TO NUCLEAR PROPULSION, THE USG HAS ISSUED A STATEMENT OF STANDARD ASSURANCES ON THE OPERATION OF NPWS IN FOREIGN PORTS. THIS STATEMENT, WHICH IS PROVIDED ON A GOVERNMENT-TO-GOVERNMENT BASIS CONTAINS ASSURANCES CONCERNING REACTOR SAFETY, ASPECTS OF DESIGN, CREW TRAINING, OPERATING PROCEDURES AND CLAIMS. TO ENSURE CONSISTENCY OF U.S. ASSURANCES TO ALL HOST GOVERNMENTS, THE STANDARD STATEMENT IS USED WITHOUT CHANGE WORLDWIDE. THIS STANDARD STATEMENT, COMBINED WITH OUR LONG RECORD OF SAFE OPERATIONS HAS FORMED THE SOLE BASIS FOR U.S. NPW VISITS WORLDWIDE. UK NPWS FOLLOW THE SAME POLICY.

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4. BY WAY OF BACKGROUND, THE U.S. SUSPENDED NPW VISITS TO FRANCE IN 1969 BECAUSE OF ENACTMENT OF A FRENCH DECREE LAW REGULATING ENTRY OF ALL NPW INTO FRENCH PORTS. THE FRENCH INTERPRETED THEIR LAW AS REQUIRING A BILATERAL US-GOF AGREEMENT FOR NPW ENTRY WHICH CONFLICTS WITH US POLICY THAT NPW VISITS ARE MADE ONLY ON THE BASIS OF THE ASSURANCES CONTAINED IN THE U.S. STANDARD STATEMENT.

U.S. PROPOSED TO GOF THAT THEY VIEW MUTUAL EXCHANGE OF ASSURANCES SUCH AS ARE CONTAINED IN STANDARD STATEMENT AS SATISFYING THEIR NEED FOR A BILATERAL AGREEMENT. HOWEVER, IN JULY 1972, THE FRENCH FORMALLY SUBMITTED A DRAFT BILATERAL AGREEMENT FOR U.S. CONSIDERATION. BESIDES BEING OBJECTIONABLE IN PRINCIPLE, THE DRAFT AGREEMENT CONTAINED A NUMBER OF TROUBLESOME FEATURES, ONE OF WHICH WAS THE REQUIREMENT THAT THE U.S. ACCEPT THE STANDARD OF ABSOLUTE LIABILITY FOR NPW REACTOR INCIDENTS.

5. CONCERNING GOF CONCERNS OVER CLAIMS ARISING FROM A

NUCLEAR INCIDENT INVOLVING A NUCLEAR REACTOR OF A U.S. WARSHIP, WE ARE NOW IN A POSITION TO PROVIDE NEW ASSURANCES CONCERNING NPW REACTOR ACCIDENT LIABILITY OWING TO LEGISLATIVE AUTHORITY WHICH WAS ENACTED BY THE U.S. CONGRESS IN 1974. THIS LAW PROVIDES THAT THE VALIDITY (OR MERIT) OF ANY CLAIM ARISING OUT OF A NPW REACTOR INCIDENT WILL BE DECIDED BY THE U.S. ON THE BASIS OF ABSOLUTE (NO FAULT) LIABILITY.

6. IN FEBRUARY 1976, EMBASSY PARIS DELIVERED AIDE MEMOIRE TO QUAI (DE KERROS) CONCERNING RENEWED NPW ACCESS TO FRENCH PORTS FOR CONSIDERATION.

IN APRIL, GOF RESPONDED TO FEBRUARY AIDE MEMOIRE ASKING WHETHER US NPW FORMULA CLAIMS ENVISION SPECIFIC QUANTITATIVE CEILINGS ON CLAIMS. THE ANSWER IS THEY DO NOT. ADDITIONALLY, DE KERROS RAISED PERSONAL QUESTION CONCERNING CLARIFICATION OF MEANING OF WHAT IS MEANT BY "THE DEMONSTRATED SAFETY RECORD" OF FRENCH NPW FOR VISITS TO U.S. WE ARE CURRENTLY STAFFING RESPONSE TO THIS QUESTION.

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7. IN VIEW OF PAST EXPERIENCES WITH GOF ON NPW PORT ENTRY, WE EXPECT THE ONLY HOPE OF BREAKING THE IMPASSE IS FOR THE FRENCH TO RECOGNIZE THEIR LONG RANGE DEFENSE INTERESTS WILL BE BEST SERVED BY ADOPTING OUR APPROACH. WHILE WE RECOGNIZE THE FRENCH ARE STILL SEVERAL YEARS AWAY FROM HAVING NPWS (SSN AND SURFACE SHIPS) WHICH THEY WOULD LIKELY WISH TO VISIT FOREIGN PORTS, THE ISSUES WILL NOT CHANGE AND THERE IS APPARENT STRONG FRENCH NAVY INTEREST IN GETTING THE MATTER SETTLED NOW. WE OF COURSE CONTINUE TO BE MOST DESIROUS OF REOPENING FRENCH PORTS TO OUR NPWS PARTICULARLY IN SUPPORT OF OPERATIONS IN THE MEDITERRANEAN, SINCE MORE THAN 30 PERCENT OF US NAVY MAJOR COMBATANTS ARE NOW NUCLEAR POWERED.

8. IF GOF SHOULD DESIRE TO VISIT U.S. PORTS WITH FRENCH NPW IN THE FUTURE, U.S. WOULD OF COURSE CONSIDER SUCH REQUESTS ON A RECIPROCAL BASIS; I.E., ON THE BASIS OF SATISFACTORY GOF UNILATERAL ASSURANCES AND THE DEMONSTRATED SAFETY RECORD OF FRENCH NPW.

9. IN ADDITION TO OUR APPROACH TO THE GOF, WE INSTRUCTED U.S. AMBASSADOR TO NATO, IN APRIL, TO DISCUSS POSSIBILITY OF RAISING NPW PORT VISIT PROBLEMS IN NATO WITH SYG LUNS AND SUBSEQUENTLY FRENCH PERM REP TIME. HOWEVER, WE DO NOT INTEND TO RECOMMEND RAISING THIS ISSUE IN NATO UNTIL AFTER COMPREHENSIVE REVIEW OF MISSION'S ASSESSMENT.

10. TALKING POINTS (IF RAISED)

-- I AM PLEASED WITH YOUR EXPRESSED INTEREST IN OUR RENEWED APPROACH CONCERNING THE RESUMPTION OF NPW VISITS TO FRANCE.

-- REGARDING PREVIOUS FRENCH CONCERNS OVER CLAIMS ARISING FROM A NUCLEAR INCIDENT, PASSAGE OF NEW LAW PERMITS USG TO PROVIDE ASSURANCES THAT IT WILL SETTLE CLAIM PROMPTLY AND ON FAIR AND EQUITABLE BASIS. THERE IS NO LIMIT.

-- US AND UK PROCEDURE OF PRESENTATION OF STANDARD STATEMENT ASSURANCES ON NPW OPERATIONS IN FOREIGN PORTS HAS
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BEEN USED SUCCESSFULLY BY US FOR NPW VISITS TO OVER 35 COUNTRIES.

-- ADVANTAGE TO FRANCE IN ADOPTING US, UK METHOD OF NPW ENTRY IS THAT FRANCE WOULD BE ACCEPTING A PROVEN SYSTEM FOR NPW ENTRY.

-- FURTHER US WOULD CONSIDER REQUESTS FOR FRENCH NPW VISITS TO US PORTS IN THE SAME RECIPROCAL BASIS.

-- USG CANNOT ACCEPT FRENCH BILATERAL AGREEMENT APPROACH FOR NPW PORT ENTRY WHICH IS CONTRARY TO OUR WORLD-WIDE PRACTICE BY BOTH NUCLEAR AND NON-NUCLEAR POWERED WARSHIPS.

-- US IS MAKING STRONG COMMITMENT TO WESTERN DEFENSE, BY DEPLOYING OUR MOST EFFECTIVE AND CAPABLE WARSHIPS TO SIXTH FLEET IN JULY.

-- IT WOULD BE MOST HELPFUL TO RESOLVE THIS ISSUE TO PERMIT THESE WARSHIPS TO VISIT FRENCH PORTS.

11. REFTELS B AND C AVAILABLE EMBASSY PARIS PROVIDE

ADDITIONAL DETAIL.

CLEARED BY: C - MR. SONNENFELDT, EUR/WE - MR. BARBOUR

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